

**NOTICE OF PUBLIC MEETING
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **Thursday, September 18, 2008**, beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007**.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- | | | |
|-------------|---|--------------------------------|
| I. | Call to Order and Roll Call | Chairperson Ralph Ogden |
| | | |
| II. | Minutes of the July 17, 2008 Meeting | |
| | <ul style="list-style-type: none">• Approval of Minutes | P-F-T |
| | | |
| III. | Executive Director's Report | John A. Blackburn, Jr. |
| | A. Legislative Update | Info |
| | B. Grant Award Update | Info |
| | C. Standing Committee Assignments | Info |
| | | |
| IV. | FY2010-11 Agency Budget | Karen Ziegler |
| | <ul style="list-style-type: none">• Presentation on agency budget request | Info |
| | | |
| V. | Federal VOCA Compensation | Tony Vidale |
| | <ul style="list-style-type: none">• Review, discussion, consideration and possible action on the following: | |
| | A. FY09 VOCA Compensation allocation formula | P-F-T |
| | B. FY09 VOCA Compensation allocation | P-F-T |

VI. Victim Compensation Claims Management System **Tony Vidale**

- Review, discussion, consideration and possible action on supplemental funding for a claims management system to assist county programs in tracking and reporting victim compensation claims. **P-F-T**

VII. Fire Suppression Kits Appropriation **John A. Blackburn, Jr.**

- Update on the appropriation to ACJC for the purpose of providing funding to agencies to purchase and install fire suppression kits on Ford Crown Victoria vehicles. **Info**

VIII. Cold Case Recommendations **John A. Blackburn, Jr.**

- Review, discussion, consideration and possible action on cold case recommendations presented at the Pow Wow. **P-F-T**

IX. Call to the Public

Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

X. Date, Time, and Location of Next Meeting

- The next Commission meeting will be held on **Thursday, November 20, 2008** at **1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

To ensure compliance with Open Meeting Law, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to the sender of this message, but they should not send a copy of the reply to other members.

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the July 17, 2008 Meeting

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on July 17, 2008.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Arizona Criminal Justice Commission
Minutes
July 17, 2008

A public meeting of the Arizona Criminal Justice Commission was convened on July 17, 2008 at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ 86004.

Members Present:

Ralph Ogden, Acting Chairperson, Yuma County Sheriff
John Armer, Gila County Sheriff
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Dave Byers, Director, Administrative Office of the Courts, Jerry Landau representing
Clarence Dupnik, Pima County Sheriff, Deanna Coultas representing
Terry Goddard, Attorney General
Robert Huddleston, Chief, Casa Grande Police Department
Dan Hughes, Chief, Surprise Police Department
Barbara LaWall, Pima County Attorney, Tom Rankin representing
David Sanders, Pima County Chief Probation Officer by conference call
Dora Schriro, Director, Department of Corrections
Linda Scott, Former Judge by conference call
Daniel G. Sharp, Chief, Oro Valley Police Department
George Silva, Santa Cruz County Attorney
Carl Taylor, Coconino County Supervisor
Andrew Thomas, Maricopa County Attorney, Mark Faull representing
Roger Vanderpool, Department of Public Safety

Staff Participating:

John A. Blackburn, Jr., Executive Director
Mary Marshall, Public Information Officer
Pat Nelson, Program Manager
Tony Vidale, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Acting Chairperson Ralph Ogden at 2:00 PM. Roll was taken and a quorum was declared present. Acting Chairperson Ogden introduced and welcomed two new commissioners, Chief Robert Huddleston and Chief Daniel Sharp. Commissioner Carl Taylor also welcomed everyone to the Law Enforcement Pow Wow.

II. Minutes of the May 22, 2008 Meeting

Acting Chairperson Ogden called for a motion on the minutes. Designee Mark Faull entered a motion to approve the minutes of the May 22, 2008 meeting. The motion seconded by Commissioner Dan Hughes passed unanimously.

III. Selection of a Chairperson and Vice Chairperson

Executive Director Blackburn explained that current Vice Chairperson Ralph Ogden had agreed to become the Chairperson-elect leaving the Vice Chairperson position open. The nominating committee met and received three (3) names for the Vice Chairperson vacancy, those being Barbara LaWall, Pima County Attorney; Chief Dan Hughes, Surprise Police Department; and Carl Taylor, Coconino County Supervisor. The nominating committee forwarded the names to the Commission for vote.

While the ballots were distributed, Acting Chairperson Ogden recognized and thanked Doug Bartosh, former Commission member for his service and dedication to the Arizona Criminal Justice Commission.

Commissioners David Sanders and Linda Scott were contacted by phone for their votes. Acting Chairperson Ogden requested the ballots for the election of Vice Chairperson. Upon

completion of the ballot count, Executive Director Blackburn advised Acting Chairperson Ogden there was a three way tie.

Before proceeding on, Executive Director Blackburn called for a formal vote on the Chairperson position. Designee Jesse Locksa moved and Commissioner John Armer seconded the motion to select Ralph Ogden as Chairperson of the Arizona Criminal Justice Commission to finish the remainder of the current term and to serve the next regular term through January 2010. The motion carried.

The Vice Chairperson ballots were redistributed for a second vote and the two commissioners submitted votes by phone. Chairperson Ogden called for the ballots. Executive Director Blackburn indicated there was another three way tie. Commissioner Carl Taylor withdrew his name from further consideration. Again, the ballots were redistributed and the two commissioners voted by phone. Chairperson Ogden called for the votes and declared Commissioner Dan Hughes had received the majority vote for Vice Chairperson.

Designee Jesse Locksa moved and Designee Mark Faull seconded the motion to select Dan Hughes as Vice Chairperson of the Arizona Criminal Justice Commission to finish the remainder of the current term and to serve the next regular term through January 2010. The motion carried.

IV. Executive Director's Report

A. Staff Update

Executive Director Blackburn updated the Commission on the short-term absence of ACJC staff members Kathy Karam, Program Manager and Tiffany Ashworth, Grant Coordinator who manage the Drug Program. The grant agreements for the Drug Program were successfully sent out on time as ACJC staff worked together to accomplish this goal.

B. Budget Update

Executive Director Blackburn reported the federal Byrne/JAG restoration effort has failed thus far. On the state side, targeted funds of \$5M for FY08 and \$6M for FY09 were among the appropriation reductions and funds sweeps for ACJC.

C. Legislative Update

Mary Marshall, Public Information Officer presented the 2008 ACJC Legislative Summary and reported some of the bills ACJC had interest in which included SB 1274, 1278 and 1412.

The Executive Director's report was presented for informational purposes and did not require Commission action.

V. FY09 Full Service Forensic Crime Laboratory Grant Program

Pat Nelson, Program Manager presented the recommendation of the Information Technology and Systems Improvement Committee for allocation of FY09 funds from the Full Service Forensic Crime Laboratory Grant Program to the full service laboratories in the amount of \$1,500,000. The grant funds will be utilized for improvements and enhancements to crime laboratory operations. The allocation provides a base of \$100,000 for each crime lab with the remaining funds distributed based on population percentages. The funding recipients consisted of three full service crime labs within Arizona Department of Public Safety; and full service crime lab at Mesa, Phoenix, Scottsdale, and Tucson police departments. Ms. Nelson reviewed the allowable and unallowable costs for the grant program as well as the detailed expenditures of each grant proposal.

Designee Jerry Landau motioned that the Commission approve the funding proposal as shown on page 16 of the agenda. The motion seconded by Commissioner Carl Taylor passed unanimously.

VI. Drug and Gang Enforcement Account Administrative Program Rules

Tony Vidale, Program Manager presented the Drug and Gang Enforcement Account (DEA) Administrative Rules changes. ACJC staff conducted public hearings in May and June 2008 to solicit input on the program rule modifications. The Commission was directed to page 18 of the agenda that included a summary of revisions for Rule Number **R10-4-402, G, 2, R10-4-402, H,** and **R10-4-405.** The Drug, Gang and Violent Crime Committee met earlier and approved the rules as proposed with the following revision to **R10-4-402, H** that changes the language to "The Commission shall not require the grant recipient to provide matching funds of

more than 25 percent of the total project.” The Committee tasked staff to develop acceptable language in R10-4-402, G, 2 for further consideration. Following review of the revised language, the group decided the best course of action would be to eliminate R10-4-402, G, 2. Mr. Vidale also stated there were two technical amendments that were noted by the Committee for staff.

Designee Mark Faull motioned to adopt the rule changes as proposed by staff with the amendments as approved by the Committee; specifically, the change in R10-4-402 H, the proposed language for R10-4-405, and proposed language contained from pages 20-26 of the agenda with the exception of the deleted language for R10-4-402, G, 2. The motion was seconded by Carl Taylor and passed unanimously.

VII. FY09 Gang Prosecution Grant Awards

Tony Vidale, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee to seek an additional \$30,000 from the Drug and Gang Enforcement Account (DEA) to bridge the deficit created by further state appropriation reductions and restore the program funding size to \$603,200.

Commissioner Dan Hughes moved and Designee Jesse Locksa seconded the motion to approve the inclusion of an additional \$30,000 in DEA funds to address the General Fund cuts to the program by the legislature. The motion carried.

VIII. Call to the Public

Chairperson Ogden made a call to the public. Mike Durham, lobbyist of 2nd Spoken Voice addressed the Commission to provide an overview of SB 1274 and SB 1412; he further asked that these bills be considered for discussion at the next Commission meeting. Mr. Durham provided materials on the two legislative bills to Commission members. Chairperson Ogden also provided a packet containing information on cold case and victim concerns to Commission members for review. Staff was asked to review Mr. Durham's materials and to report back to the Commission at the September 18, 2008 meeting. No other members of the audience addressed the Commission.

IX. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on Thursday, September 18, 2008 at 1:30 PM at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

X. Adjournment

The meeting was adjourned at 3:05 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Update

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will brief the Commission on the legislative issues impacting the Commission and the criminal justice systems.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Grant Award Update

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will brief the Commission on the recent federal grant awards to ACJC.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Standing Committee Assignments

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will brief the Commission on the status of standing committee assignments to the Commission

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A



Arizona Criminal Justice Commission

Standing Committee Assignments

2008 – 2009

Administrative

Ralph Ogden, Chairperson
Dan Hughes, Vice Chairperson
David Byers
Linda Scott
Andrew Thomas

Drug, Gang & Violent Crime

Dan Hughes, Chairperson
Joe Arpaio
Clarence Dupnik
Terry Goddard
Dora Schriro
Daniel G. Sharp
Andrew Thomas

Crime Victims

Linda Scott, Chairperson
John Armer
Duane Belcher
Terry Goddard
Barbara LaWall
Dora Schriro
Andrew Thomas

Legislative

Andrew Thomas, Chairperson
John Armer
David Byers
Dan Hughes
David Sanders
Carl Taylor
Roger Vanderpool

Information , Technology and Systems Improvement

David Byers, Chairperson
Terry Goddard
Bob Huddleston
George Silva
Carl Taylor
Roger Vanderpool

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	FY2010-11 Agency Budget

TO: Chairperson and Commission Members

FROM: Karen Ziegler, Deputy Director

RECOMMENDATION:

Information Only

DISCUSSION:

ACJC submitted the FY2010-11 budget request and strategic plan to the Governor on September 2, 2008. ACJC's total budget request for FY2010 topped \$38.5 million in General Fund and state appropriated funds requests, special revenue, and federal funds. ACJC included several funding requests in the budget including a General Fund request to fund the Criminal Justice Records Integration project submitted in prior years.

The full ACJC budget and strategic plan will be available for review at the meeting.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Federal VOCA Compensation Allocation Formula

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the allocation formula to be used in the distribution of the FFY 2008 federal VOCA funds to the fifteen operational units.

DISCUSSION:

The formula provides for the Commission to retain 5% of the federal VOCA award for administrative costs associated with administering the program. Administrative funds are used for personal services, employee related expenses, and travel expenses. Under federal VOCA guidelines, operational units that receive and use private funds to compensate crime victims are permitted to receive a 60% match of VOCA funds in addition to the general allotment provided to all operational units. The proposed allocation formula includes the 5% administrative costs, the 60% match for programs expending private funds to compensate victims, a base allotment of \$1,100 to all operational units, and the balance of the funds distributed by population. Please refer to page 14 for a breakout of the allocation formula for each operational unit. FFY 2008 allocations are expended during the state 2009 fiscal year.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant - \$1,193,000 distributed to the Commission and operational units for compensation benefits and administration.

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Federal VOCA Compensation Allocation

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the allocation of FFY 2008 federal VOCA Compensation funds in accordance with the attached chart.

DISCUSSION:

Federal VOCA Compensation Funds in the amount of \$1,193,000 have been awarded to the State of Arizona based upon the certification of funds expended for crime victim compensation benefits in FFY 2006. FFY 2008 funding is expended during the state 2009 fiscal year. The table on page 14 illustrates the distribution of funds utilizing the 5% administrative funds, 60% matching funds for the use of private funds to compensate crime victims, and the balance distributed by a base amount and population formula.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant - \$1,193,000 distributed to the Commission and operational units for compensation benefits and administration.

ALTERNATIVES:

Not Approve - Modify - Table

**CRIME VICTIM COMPENSATION PROGRAM
FFY 2008* PROPOSED VOCA ALLOCATION**

COUNTY	5% ADMIN COSTS	COMP PYMTS PRIVATE FUNDS	60% PRIVATE FUNDS ALLOTMENT	POPULATION	% POPULATION	BASE ALLOTMENT	POPULATION ALLOTMENT	TOTAL ALLOTMENT
ACJC	59,650							59,650
APACHE		-	-	75,496	1.16%	1,100	12,972	14,072
COCHISE		-	-	137,200	2.11%	1,100	23,573	24,673
COCONINO		-	-	134,898	2.08%	1,100	23,178	24,278
GILA		-	-	56,885	0.88%	1,100	9,774	10,874
GRAHAM		-	-	37,338	0.57%	1,100	6,415	7,515
GREENLEE		-	-	8,394	0.13%	1,100	1,442	2,542
LA PAZ		-	-	21,529	0.33%	1,100	3,699	4,799
MARICOPA		-	-	3,907,492	60.11%	1,100	671,377	672,477
MOHAVE		-	-	204,122	3.14%	1,100	35,072	36,172
NAVAJO		-	-	113,796	1.75%	1,100	19,552	20,652
PIMA		-	-	1,003,235	15.43%	1,100	172,374	173,474
PINAL		-	-	327,670	5.04%	1,100	56,300	57,400
SANTA CRUZ		-	-	46,907	0.72%	1,100	8,059	9,159
YAVAPAI		-	-	223,934	3.45%	1,100	38,476	39,576
YUMA		-	-	201,298	3.10%	1,100	34,587	35,687
TOTALS	\$59,650	\$0	\$0	6,500,194	100.00%	\$16,500	\$1,116,850	\$1,193,000

ADMIN COSTS + PRIVATE FUNDS ALLOTMENT + BASE ALLOTMENT + POPULATION ALLOTMENT = TOTAL ALLOTMENT

Total Allocation to County Programs **\$1,133,350**

Source: Population Statistics Unit, Research Administration, DES (July 1, 2007 Population Estimates)

*FFY 2008 VOCA funds are expended in state FY 2009.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim Compensation Claims Management System

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the expenditure of up to \$45,000 in anticipated unexpended FY09 state Victim Compensation funds to support the development of the Victim Compensation Claims Management System (VCCMS).

DISCUSSION:

See Attached

FISCAL IMPACT:

Moderate – Up to \$45,000 of Victim Compensation funds for design and development of the system.

ALTERNATIVES:

Not Approve - Modify - Table

Background

During FY 2006 and 2007 ACJC staff held a series of meetings with county victim compensation program personnel to develop the scope of an automated claims management system. County Information Technology personnel also attended these meetings on two occasions to offer input. Based on those meetings ACJC worked with our IT consultants in developing a cost estimate to include in a budget request for the FY 2008-2009 budget period. The Legislature appropriated \$100,000 for the project in FY 2009. In working with the vendor at the end of FY 2008, we received a revised cost proposal that included a more accurate cost statement of the features in the original proposal as well as some features we did not envision two years ago. The revised cost proposal was \$153,000. Staff, in consultation with other state's compensation programs, discovered that some features, such as an online application, provide a more robust system to better serve victims and improve program productivity. In addition, building a system with these features now is less costly than modifying a developed system later. The request by staff is to utilize up to \$45,000 of Victim Compensation funds allocated to county programs but unexpended at the end of the fiscal year for the additional cost of the project. Since the average amount programs reverted between FY 2003 and FY 2007 totaled \$63,800, staff believes the \$45,000 will be available to be used on the project.

The Current Environment

ACJC allocates funds from state and federal sources to the Victim Compensation Program. The programs in turn report to ACJC on a quarterly basis regarding revenues, expenditures and program activities. ACJC aggregates the data received in the quarterly reports, and reports to the federal government on an annual basis. The timely and accurate filing of these reports is of significant importance as they influence future availability of federal funds.

The 15 counties in the state of Arizona each administer crime victim compensation programs. These programs receive, substantiate, and investigate claims for compensation of costs incurred as a direct result of crime. Claims determined to be eligible for compensation are presented to the Victim Compensation Board in each county for approval. As these board meetings fall under the Arizona Open Meetings Law, each program must prepare notices, agendas, and minutes for each board meeting.

Each phase in the crime victim compensation process; claim processing, generation of meeting information, quarterly and annual reporting, is time and resource intensive. At this time, there is no single solution available to perform all of these activities. Additionally, lack of uniformity in the processes and applications used to carry out these activities introduces redundant effort, increased potential for erroneous data, and difficulty in reconciling information between the counties and ACJC. In order to bring greater efficiency and accuracy to the crime victim compensation process, ACJC would like to develop a Victim Compensation Claim Management System (VCCMS).

The Solution

An integrated claim management system should increase productivity on the part of county victim compensation programs by reducing administrative time to compile quarterly reports, generate claim status letters or other correspondence to victims or providers, create agendas and case summaries for Compensation Board members, and track program revenue and expense activity. This will allow program personnel to spend less time administering the program and more time providing services to victims. The system will also assist in allocating limited resources to counties with the greatest needs, reduce ACJC staff time processing quarterly compensation reports, provide an historical database for program activities, allow for accurate yearly reports to the federal government, and assist in the recovery of restitution owed to compensation programs in each county.

Objectives

In order to achieve the benefits mentioned above the VCCMS must achieve the following core objectives:

- **Improve efficiency of claim entry and processing.**
- **Reduce administrative overhead associated with board meetings and correspondence.**
- **Improve accuracy of quarterly reports.**
- **Reduce effort required to produce annual federal reports.**

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Fire Suppression Kits Appropriation

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Information will be provided to the Commission on the fire suppression kit legislation passed last session and an update on the process in which ACJC will distribute the funds to law enforcement and other governmental agencies.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

DRAFT

ARIZONA CRIMINAL JUSTICE COMMISSION



FY2009

FIRE SUPPRESSION APPROPRIATION ANNOUNCEMENT

Eligibility

Per SB 2210, Sec. 36 state and local law enforcement and other governmental entities in Arizona that utilize Ford Crown Victoria vehicles are eligible to apply for fire suppression kits.

Application

Applications must be submitted according to a process consisting of an email request followed by an online application for those approved for funding via the Arizona Criminal Justice Commission Grants Management System (GMS).

1. E-mail or fax requests will be accepted starting XXXXX 2008, 10:00 a.m. MST and must comply with the information required as stated in the Application Process Section.
2. Applicants meeting the first-come eligibility will be notified and requested to submit an online application through the GMS system.

Assistance

If you have any questions about this solicitation, please contact Pat Nelson, Program Manager, at (602) 364-1152. If you are having difficulty with the online grant management system, contact Janice Simpson, Grant Program Coordinator, at (602) 364-1186 or jsimpson@azcjc.gov.

FIRE SUPPRESSION APPROPRIATION PROCESS

The Arizona Criminal Justice Commission (ACJC) is publishing this notice to announce the availability of funds for the Fire Suppression Appropriation Solicitation. The purpose for the funding is to enhance public safety by aiding in the prevention of fires resulting from rear end collisions. Funds are to be used for the purchase and installation of active or passive fire suppression kits for Ford Crown Victoria vehicles. The sum of \$500,000 is appropriated for distribution in fiscal year 2008-2009 from the Public Safety Equipment Fund when these funds become available. The Arizona Criminal Justice Commission will distribute the monies on a first-come, first-served basis with a maximum allowance of \$1,000 per vehicle.

All agencies shall ensure that the active or passive fire suppression kit for use pursuant to this solicitation complies with the testing requirements of Arizona Revised Statute 44-1224.

DRAFT

The Division of Occupational Safety and Health within the Industrial Commission of Arizona will monitor the installation of the fire suppression kits. Contact the Industrial Commission of Arizona at 602-542-5795 regarding installation requirements.

ALLOWABLE COSTS

Eligible expenses are fire suppression kits for Ford Crown Victoria vehicles in accordance with Arizona Laws 2008, chapter 286, Section 36. A one-time disbursement will be provided.

Eligibility of funds and program compliance include the following:

- Allocations will be made to state and local law enforcement and other governmental entities in Arizona that utilize Ford Crown Victoria vehicles
- Funds shall be used for active or passive fire suppression kits
- Monies will be distributed for the cost of fire suppression kits up to \$1,000 per vehicle
- Fire suppression kits are for Ford Crown Victoria vehicles
- Monies shall be distributed on a first-come, first-served basis
- Monies are contingent upon the available accumulation of funds in the Public Safety Equipment Fund up to \$500,000
- Appropriated monies are for fiscal year 2008-2009
- The Division of Occupational Safety and Health within the Industrial Commission of Arizona shall monitor the installation of the fire suppression kits

APPLICATION - TWO-STEP PROCESS

Submittals for the Fire Suppression Appropriation require a two-step process:

1. An e-mail/fax request must be submitted beginning XXXXX 2008 at 10:00 a.m. MST. Only one request per agency will be considered.
 - E-mail requests may be submitted to fire@azcjc.gov
 - Fax requests may be submitted to 602-364-1175.
2. A brief application submitted upon request.

The following describes the required **two-step process**:

1) E-mail or Fax Request

In order to equitably accommodate requests on a first-come, first-served basis, requests will be tracked via system e-mail and fax submission time stamp. E-mail/fax requests will be recorded beginning XXXXX 2008 10:00 a.m. MST. Requests submitted prior to XXXXX 10:00 a.m. will not be considered for funding.

All requests must include the following information:

****NOTE – DO NOT SUBMIT DOCUMENT ATTACHMENTS – INCLUDE ALL INFORMATION IN BODY OF E-MAIL ****

Agency Name

Project Official information-

Name

Phone Number

E-mail Address

Number of fire suppression kits requested

Estimated cost per kit

List VIN Number for each Ford Crown Victoria to receive fire suppression kit

Due to limited funding, all e-mail/fax requests may not be asked to complete the application process on the Grant Management System. ***All requests will be notified of whether to proceed to step 2 (GMS Online Application).***

2) GMS Online Application

Eligible applicants will be contacted to submit an application through the Grants Management System (GMS) located on the ACJC web site: <http://www.azcjc.gov/grants/GMS2/LogIn.aspx>. A GMS application is necessary to fulfill contractual processing requirements. Funding will be disseminated through this process.

ALLOCATION PROCESS

After being contacted by ACJC to submit an online application, you may access the Grants Management System (GMS), <http://www.azcjc.gov/grants/GMS2/LogIn.aspx>. New GMS users must register prior to log-in. If you have previously registered and your password does not work, you must register again. The application must be completed on this web site and submitted electronically. If you are having difficulties with the system, please call the Commission office at (602) 364-1146.

GMS INSTRUCTIONS

See attached instructions specific to the Fire Suppression Appropriation Announcement.

RESTRICTIONS ON USE OF FUNDS

Funds are to be used for the purchase and installation of active or passive fire suppression kits for Ford Crown Victoria vehicles for state and local law enforcement and other governmental entities. The Division of Occupational Safety and Health within the Industrial Commission of Arizona shall monitor the installation of the fire suppression kits.

REPORTING REQUIREMENTS

Information to be provided prior to payout of allocated funds:

- Pre-certification document signed by authorized agency official
- Copy of purchase order for kits.

Information to be provided after payout

Post-certification document signed by authorized agency official.

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2210

AN ACT

AMENDING SECTION 5-395.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 187, SECTION 1 AND CHAPTER 307, SECTION 1; AMENDING SECTION 5-395.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 256, SECTION 7; AMENDING SECTIONS 5-396, 5-397 AND 12-108, ARIZONA REVISED STATUTES; REPEALING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 369, SECTION 2; AMENDING SECTIONS 12-119.01 AND 12-267, ARIZONA REVISED STATUTES; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 5; AMENDING SECTIONS 13-902, 22-281 AND 28-1381, ARIZONA REVISED STATUTES; AMENDING SECTION 28-1382, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 219, SECTION 2; REPEALING SECTION 28-1382, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 195, SECTION 3; AMENDING SECTIONS 28-1383, 28-1593, 28-3396, 28-8284, 28-8286, 28-8287 AND 28-8288, ARIZONA REVISED STATUTES; AMENDING SECTION 38-810, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 10; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1722 AND 41-1723; TRANSFERRING AND RENUMBERING TITLE 41, CHAPTER 12, ARTICLE 12, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 32, ARIZONA REVISED STATUTES, AS ARTICLE 4; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 32, ARTICLE 4, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "ARIZONA PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMISSION"; TRANSFERRING AND RENUMBERING SECTIONS 41-1830.41 AND 41-1830.42, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, AS SECTIONS 41-3541 AND 41-3542, RESPECTIVELY; AMENDING SECTION 41-3014.16, ARIZONA REVISED STATUTES; AMENDING LAWS 2000, CHAPTER 293, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2, LAWS - ii - 2002, CHAPTER 291, SECTION 17, LAWS 2004, CHAPTER 69, SECTION 5 AND LAWS 2006, CHAPTER 369, SECTION 12; AMENDING LAWS 2000, CHAPTER 193, SECTION 599, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 3, LAWS 2002, CHAPTER 291, SECTION 18, LAWS 2004, CHAPTER 69, SECTION 6 AND LAWS 2006, CHAPTER 369, SECTION 13; MAKING APPROPRIATIONS; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Sec. 36. Appropriation; fire suppression kits

A. Notwithstanding section 41-1723, paragraph 1, Arizona Revised Statutes, as added by this act, the sum of \$500,000 is appropriated from the first monies received by the public safety equipment fund in fiscal year 2008-2009 to the Arizona criminal justice commission for distribution to state and local law enforcement and other governmental entities in this state for active or passive fire suppression kits for Ford Crown Victoria vehicles to aid in the prevention of fires resulting from rear end collisions. The commission shall distribute the monies on a first come, first served basis with a maximum of \$1,000 per vehicle.

B. A person or entity that sells or offers to sell an active or passive fire suppression kit for use pursuant to this section shall comply with the testing requirements of section 44-1224, Arizona Revised Statutes.

C. The division of occupational safety and health within the industrial commission of Arizona shall monitor the installation of the fire suppression kits.

D. After distribution of the monies in subsection A of this section by the Arizona criminal justice commission, the department of public safety may use the remainder of the \$3,000,000 appropriated pursuant to section 41-1723, paragraph 1, Arizona Revised Statutes, as added by this act, in fiscal year 2008-2009, for the purposes provided in that section.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
September 18, 2008	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Cold Case Recommendations

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the staff recommendation to post on the Arizona Criminal Justice Commission (ACJC) web site information on cold case best practices regarding policies, procedures, protocols, and programs in place to meet the requirements of SB1274.

DISCUSSION:

During the Arizona Criminal Justice Commission meeting held on July 17, 2008 in Flagstaff, staff was asked to review a list of cold case recommendations and to report back to the Commission regarding which of these items fell under ACJC's mandate.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1274

AN ACT

AMENDING SECTION 41-2405, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-2405, Arizona Revised Statutes, is amended to read:

41-2405. Arizona criminal justice commission; powers and duties; staff

(Added a new section, 12.)

12. COMPILE AND DISSEMINATE INFORMATION ON BEST PRACTICES FOR COLD CASE INVESTIGATIONS, INCLUDING EFFECTIVE VICTIM COMMUNICATION PROCEDURES. FOR THE PURPOSES OF THIS PARAGRAPH, "COLD CASE" MEANS A HOMICIDE OR A FELONY SEXUAL OFFENSE THAT REMAINS UNSOLVED FOR ONE YEAR OR MORE AFTER BEING REPORTED TO A LAW ENFORCEMENT AGENCY AND THAT HAS NO VIABLE AND UNEXPLORED INVESTIGATORY LEADS.

Follow-up to Mr. Mike Durham's information presented at the Commission meeting in July 2008

At the Arizona Criminal Justice Commission meeting on July 17 in Flagstaff, Mr. Mike Durham, addressed the Commission. He introduced himself as the lobbyist for Second Spoken Voice and as a member of the Attorney General's Cold Case Task Force (the Task Force had a sunset date of Dec. 31, 2007; it published its findings and recommendations in a report on Dec. 28, 2007). Mr. Durham presented a list of items that he would like to see the Commission address. Staff was asked to review the list and report back to the Commission regarding which of these items fell under ACJC's mandate.

Mr. Durham's items to be addressed

Mr. Durham's presentation packet begins by noting that solid cold case data is unavailable. ACJC staff knows this to be the case—the ACJC Statistical Analysis Center assisted the Cold Case Task Force by conducting an unscientific survey of law enforcement agencies to determine the scope of the cold case issue in Arizona—the results of that survey may be found in the Attorney General's Cold Case Task Force report. The survey indicated that various agencies used different definitions of cold case—and they only included homicides. Final legislation sponsored by Senator Huppenthal defined a cold case as "a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads." Given the new definition, the number of cold cases in Arizona is unknown.

Mr. Durham's request for cold case data is dependent upon each law enforcement agency in Arizona collecting, tracking and disseminating that information. Based on the results of the initial survey, it is unlikely that there would be enough data from law enforcement agencies to provide an accurate count—law enforcement is under no mandate to collect and disseminate this information.

Beyond the cold case count, Mr. Durham, in his request placed under "Agenda Items for the Information, Technology and Systems Improvement Committee," makes a request for very specific data:

- 1 Determining the number of cold case homicides*
 - 1.1 how many are a year old or more*
 - 1.2 dates reported to law enforcement*
 - 1.3 what leads have been brought*
 - 1.3.1 how were they determined viable or non viable*
 - 1.3.2 how were they determined investigatory or non investigatory*
 - 1.4 annual inventory of cases meeting definition*
 - 1.5 solve rate*
- 2 sexual felony offense*
 - 2.1 how many are a year old or more*
 - 2.2 dates reported to law enforcement*
 - 2.3 what leads have been brought*
 - 2.3.1 how were they determined viable or non viable*
 - 2.3.2 how were they determined investigatory or non investigatory*
 - 2.4 annual inventory of cases meeting definition*
 - 2.5 solve rate*
- 3 combined solve rate with homicides*
- 4 applicable dates*
- 5 Victim contacts*
- 6 An updated inventory by name by jurisdiction for verification and reference for procedure development.*

Conclusion: ACJC has no ability to mandate that law enforcement collect this information. It is unlikely that most law enforcement agencies are currently collecting this information. It is important to note that these are not recommendations of the Cold Case Task Force and were not included in the Cold Case Task Force report. Mr. Durham was on the Cold Case Task Force and had input into the process at that time.

Mr. Durham's suggested agenda items for the Drug, Gang & Violent Crime Committee were:

1 Effective victim communication procedures.

1.1 "Compile and disseminate information on best practices for cold case investigations, including effective victim communication procedures."

1.2.1 identification of victim/victim family/victim representative

1.2.2 two way communications

1.2.3 conflict resolution over investigation process

1.2.4 effective victim communication procedures

1.2.5 procedures that do not promote communication

1.2.6 investigator center v case centered communications

1.2.7 procedural review on statewide basis

1.2.7.1 victims/victim family/victim representative list for response

1.2.7.2 complaints

1.2.7.3 resolved complaints

2 best practices for cold case investigations

2.1 general best practices

2.1.1 move case toward indictment

2.1.2 move case toward suspect identification

2.1.3 move case toward elimination of suspicion of murder

2.2 DNA investigation related activities

2.2.1 SB1412 related

2.2.2 bulk evidence analysis

2.2.3 non DNA related investigation activities

2.3 evaluation process

2.3.1 1 year anniversary board review

2.3.2 annual reviews there after

2.3.3 removal of investigator a sole determinant of success or failure of case investigation

2.3.4 community review

2.4 assurance of systems use and updates

2.4.1 weapons systems - gun data base

2.4.2 DNA data base

2.4.3 Alcohol, Tobacco and Firearms gun tracking data base

2.4.4 medical examiner coordination

2.4.5 county prosecutor notifications on case status

The bulk of this agenda concerns best practices for victim communications and investigations in cold cases. As noted earlier, ACJC is launching a web site to disseminate information regarding policies, procedures, protocols, and programs in place that will address these issues. For example, the Denver Police Department's Victim Assistance Unit has a Cold Case Victim Services Unit for homicide and sexual assault cold cases. The Denver Police Department has provided ACJC with its outreach materials, including its protocols and its annual victim update letters. We would include a link to the Denver PD Cold Case Victim Assistance Unit

(<http://www.denvergov.org/DPDVAU/VAUColdCaseVictimServicesHomicide/tabid/423670/Default.aspx>) as well as the sample protocols and letters.

Other items on this agenda include cold case investigation best practices. Staff is currently reaching out to those agencies in Arizona that indicated they have cold case units, and staff has contacted the National Sheriffs Association and the International Association of Chiefs of Police to gain this information from their respective memberships. The IACP Webber Seavey Award recognizes excellence in law enforcement—cold case units have been recognized in this program. ACJC will include information on these programs recognized for excellence by the IACP.

Also included in Mr. Durham's agenda is item 2.3, evaluation process. He mentions an annual review board, but does not indicate how/where this board is established or funded (i.e., is this department-based, county-based or state-based?).

Conclusion: Many of these agenda items are components of best practice programs, and as such, ACJC will work to identify policies, procedures, protocols, and programs currently in practice that would serve as a best practice model for other law enforcement agencies in meeting the requirements of SB 1274. This information will be posted on a page within the ACJC web site dedicated to Cold Case Best Practices.

Mr. Durham includes one final agenda that pulls together much of the information that was previously included in the earlier two agendas. Again, this includes:

- Victim communications
- Data that he would like to see collected, compiled and disseminated (homicide and sexual assault)
- Use of investigative tools such as DNA databases and the National Integrated Ballistics Information Network (NIBIN) database
- Evaluation/annual review

Again, these are the recommendations of Mr. Durham; these are not the recommendations included in the Attorney General's Cold Case Task Force nor are these specified under SB 1412 or SB 1274. Some of these recommendations fall in line with the information that ACJC is compiling as best practices; ACJC will disseminate this information via a dedicated and continuously updated web page. Further, ACJC will work with stakeholder groups to compile and share this information.

Conclusion: The Commission is addressing the mandates of the legislation involving ACJC. However, it does not have the authority, resources nor staffing to address implementation of all of the suggestions brought forward by Mr. Durham, some of which had already been discussed in the Cold Case Task Force.

Cold Case Task Force update: ACJC's role

The Attorney General's Cold Case Task Force held several public hearings to discuss cold case issues in fall 2007. The Cold Case Task Force released its final report on Dec. 28, 2007; the task force sunset date was Dec. 31, 2007. A recommendation of that report was:

It is recommended that the Arizona Criminal Justice Commission be asked to continue with the Cold Case Task Force efforts and bring together members from the criminal justice community to facilitate the drafting of such legislation and identifying "promising practices."

Once the report was issued, Sen. John Huppenthal, sponsor of the legislation that created the Cold Case Task Force, contacted the Arizona Criminal Justice Commission to continue with the Cold Case Task Force efforts by convening a meeting of stakeholders to facilitate the drafting of legislation based on issues raised in the Cold Case Task Force Report. Executive Director John Blackburn Jr. and Legislative Liaison Mary Marshall attended several stakeholder meetings hosted by Sen. Huppenthal and by Senate Judiciary staff. Ms. Marshall followed up with stakeholder meetings as requested by Sen. Huppenthal. As a result, Sen. Huppenthal sponsored two bills that passed and were signed into law: SB 1412, which requires the preservation of biological evidence; and SB 1274, which states that ACJC shall "Compile and disseminate information on best practices for cold case investigations, including effective victim communication procedures. For the purposes of this paragraph, 'cold case' means a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads." This definition of cold case was recommended by the Cold Case Task Force in its report, and this is the definition of cold case that is used in SB 1412.

SB 1412

SB 1412 requires the retention of biological evidence in a condition that allows for DNA testing for 55 years in cold cases. SB 1412 also specifies the preservation of biological evidence in a condition that allows for DNA testing in postconviction cases. The bill also allows for the destruction of bulk evidence under specific circumstances. It allows the government entity that investigates the crime to establish procedures for retaining probative samples of the biological evidence and disposing of bulk evidence that does not affect the suitability of the probative sample for DNA testing. It requires the government entity responsible for retaining the samples to obtain approval from the county attorney or attorney general and make reasonable efforts to provide written notice to the victim before the disposal of any bulk evidence. In postconviction cases, the defendant and the counsel of record also must be notified.

The Cold Case Task Force recommended that forensic sciences issues be addressed by the Forensic Services Advisory Committee, which is an ongoing committee under the direction of the Arizona Attorney General's Office. Because this legislation is centered on forensic evidence, ACJC worked with the Forensic Services Advisory Committee in drafting the language and the amendments for SB 1412. The Committee is chaired by Judge Ron Reinstein, a nationally recognized expert on DNA evidence use in the court, and includes prosecutors (or designees), crime lab directors, a medical

examiner, police chiefs (or designees), a representative from an organization representing victims' families, and a member of the National Forensic Science and Technology Center. The preservation of evidence legislation was discussed at the Committee's March meeting, and Judge Reinstein assigned committee members to assist with the bill. The committee members offered amendment language and testified in legislative hearings on the technical aspects of the bill. The bill has an effective date of January 1, 2009, and the Forensic Services Advisory Committee will discuss implementation of the legislation at its October meeting. Any concerns or recommendations regarding the provisions of SB 1412 should be addressed to the Forensic Services Advisory Committee.

SB 1274

To meet the mandate of SB 1274, ACJC is developing a page within its web site that will serve as a clearinghouse of cold case best practices. This will include, but is not limited to, policies, procedures, protocols and programs that address training, investigation and victim communication. This will include policies, procedures, protocols, and programs in place in Arizona law enforcement agencies, as well as in law enforcement agencies around the United States. The web page is meant to be an organic page—rather than a static page—and ACJC will continuously update the site as new information about cold case best practices becomes available. This should be helpful not only to Arizona stakeholders, but to anyone interested in learning about cold case best practices. The web site will go live on Sept. 26, 2008.